

AUG 08 2003

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON

U.S. COURT OF APPEALS

ERIC JOHNSON PEACOCK,

Plaintiff - Appellant,

v.

COUNTY OF ORANGE, public entities aka
Orange County Sheriff's Department

Defendant - Appellee.

No. 01-56417

DC# CV-00-01195-GLT
Central California
(Santa Ana)

ORDER

Before: CANBY, O'SCANNLAIN, and T.G. NELSON, Circuit Judges

The memorandum disposition filed March 17, 2003 is amended as follows:

In the third paragraph beginning "Although the district court properly determined .

. .," delete "the district court erred by granting summary judgment," and replace

with "new California Supreme Court authority requires reversal of the district

court's grant of summary judgment"

In the last sentence of paragraph four beginning "We therefore remand for the district court to determine . . . ," delete "whether the inquiry was job-related and consistent with business necessity. *See* 42 U.S.C. § 12112(d)(1)(A)," and replace with "whether the inquiry pertained to a job-related function. *See* 42 U.S.C.

§ 12112(d)(2)(B).”

Except for the above amendments, Appellant’s petition for panel rehearing is
denied.

No further filings will be accepted in this closed appeal.